IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.3933 OF 2006

CEAT Limited. ...Petitioner.

Vs.

Shri C.S. Kamble. ...Respondent.

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Mr.A.G.Damle with Mr.V.P.Shintre for the Petitioner.

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CORAM : DR.D.Y.CHANDRACHUD, J.

July 14, 2006.

P.C. :

This petition challenges the legality of an order passed by the Industrial Court during the pendency of the Reference under Section 10 of the Industrial Disputes Act, 1947. The services of the Respondent, who was a peon, have been terminated after a disciplinary enquiry and a reference to adjudication has been made. The employer sought the framing of a preliminary issue to the following effect :

"Does the second Party prove that the misconducts are not proved on the basis of evidence in the enquiry?"

The application was dismissed. Subsequent to the dismissal of the application, a Part-I Award has been delivered on 26th December 2005 and it has been held that the enquiry which was conducted against the workmen was fair and proper and in accordance with the principles of natural justice. The surviving issues which the Industrial Court will now decide is whether the finding that has been recorded in the enquiry is perverse and whether the punishment that has been awarded is shockingly disproportionate. In these circumstances interference of this Court under Article 227 is not warranted. The Petition is dismissed.

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